

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

CITIFINANCIAL MORTGAGE COMPANY, )  
INC., n/k/a CITIMORTGAGE, INC., )  
Plaintiff, ) CV: 3:06cv899-MHT  
v. )  
ALPHA SMITH and VERA M. SMITH, )  
Defendants. )

**PLAINTIFF'S WITNESS AND EXHIBIT LIST**

**COMES NOW** Defendant Alpha Smith, and submits the following as his Witness and  
Exhibit List:

**WITNESSES**

1. Alpha Smith (Expect to Call)  
2913 McFadden Drive  
Tuskegee, Alabama 36088
2. Vera Smith (Expect to Call)  
2913 McFadden Drive  
Tuskegee, Alabama 36088
3. Teresa M. Baer (Expect to Call)  
CitiFinancial, Inc.  
c/o Burr & Forman LLP  
420 N. 20<sup>th</sup> Street, Suite 3400  
Birmingham, Alabama 35203
4. Corporate Representative of CitiFinancial (Expect to Call)  
Corporation, LLC.
5. Corporate Representative of CitiMortgage, Inc. (Expect to Call)  
f/k/a CitiFinancial Mortgage Company, Inc.
6. Loan closer for Alpha Smith's CitiFinancial (Expect to Call)  
Corporation, LLC loan dated March 11, 2004

7. All persons necessary to authenticate exhibits. (May Call)
8. All persons necessary for rebuttal and/or impeachment. (May Call)
9. Any other witnesses that are presently unknown to Plaintiff but becomes known during any subsequent depositions taken in these proceedings or otherwise. (May Call)
10. Any and all witnesses that are known to the Plaintiff but are presently unknown to Defendant. (May Call)
11. Any persons necessary to rebut testimony by any witness not yet identified or identified by Plaintiff. (May Call)
12. Any and all witnesses identified by any other party. (May Call)
13. Any named individual listed in any document produced during discovery. (May Call)
14. Any and all witnesses added by amendment or supplementation by Plaintiff to their witness list. (May Call)
15. Any eyewitness as identified in pretrial discovery. (May Call)
16. Any witness needed for impeachment or rebuttal. (May Call)
17. Any Custodian of Records needed to authenticate any exhibit utilized at trial. (May Call)
18. The Defendant reserves the right to amend this Witness List to add any witnesses inadvertently omitted from this list. (May Call)

## EXHIBITS

1. Disclosure, Note and Security Agreement between Alpha Smith and CitiFinancial Corporation, LLC, dated March 11, 2004. (Expect to Use)
2. Arbitration Agreement between CitiFinancial Corporation, LLC and Alpha Smith, dated March 11, 2004. (Expect to Use)
3. All loan documents associated with loan between CitiFinancial Corporation, LLC and Alpha Smith, dated March 11, 2004. (Expect to Use)
4. Any and all loan documents of the Defendants. (Expect to Use)
5. Any and all loan-file documents of the Defendants. (Expect to Use)
6. Declaration of Teresa Baer and exhibits thereto. (Expect to Use)
7. Plaintiffs' Petition for Order Compelling Arbitration and exhibits thereto. (Expect to Use)
8. Plaintiffs' Motion for Summary Judgment as to Defendant Alpha Smith and exhibits thereto. (Expect to Use)
9. Vera and Alpha Smith's Complaint filed in the Circuit Court of Macon County, Alabama on April 17, 2006. (Expect to Use)
10. Correspondence from Elizabeth B. Shirley to Charles James, II, dated September 27, 2006. (Expect to Use)
11. Defendant's answers and responses to Plaintiff's discovery requests. (Expect to Use)
12. Note, Mortgage and loan documents associated with real estate loan between Alpha and Vera Smith and First Capital Mortgage Corporation. (Expect to Use)
13. Assignment of Mortgage, dated April 11, 1989. (Expect to Use)
14. Any and all documents listed as exhibits by Plaintiffs to which Defendant has no objection. (May Use)

15. Any and all documents necessary for rebuttal and/or impeachment. (May Use)
16. Any demonstrative aides summarizing evidence. (May Use)
17. All documents produced during the depositions of any party. (May Use)
18. All exhibits produced during the depositions of any witnesses. (May Use)
19. Any other documents produced to or by Plaintiffs in discovery. (May Use)
20. Any documents subsequently identified and documents requested, but not yet received, by Defendant at this time. (May Use)
21. Any exhibit necessary for rebuttal. (May Use)
22. Defendant reserves the right to amend this exhibit list as new information becomes available and will promptly notify Plaintiff's counsel of same. (May Use)
23. Defendant reserves the right to use exhibits to rebut Plaintiff's exhibits.
24. Defendant does not waive any objections that it may have to any exhibits identified above simply because they are listed in this exhibit list.
25. Defendant reserves the right to object to any and all documents pursuant to the Court's Pre-trial Order and standard procedures during trial.
26. Any and all documents received in response to subpoenas which have been, or may be, issued to any person or entity. (May Use)
27. Any and all photographs. (May Use)
28. Any and all documents necessary for impeachment of any witness. (May Use)
29. Any exhibit offered or identified by any party. (May Use)
30. Any and all pleadings, motions or responses (May Use)

filed by Defendant.

Respectfully Submitted,

/s/ Charles James, II  
TYRONE C. MEANS (MEA003)  
CHARLES JAMES, II (JAM028)  
*Attorneys for Defendant*

**OF COUNSEL:**

**THOMAS, MEANS, GILLIS & SEAY, P.C.**  
Post Office Drawer 5058  
3121 Zelda Court  
Montgomery, Alabama 36103-5058  
Tel: (334) 270-1033  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system to all registered parties who should receive electronic notice.

/s/ Charles James, II  
**OF COUNSEL**

